IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.518 OF 2007

1.Subhash Vasantrao Bhosale
2.Audumbar Subhash Bhosale
3.Jaywant Subhash Bhosale
4.Ravindra Subhash Bhosale ...Applicants.
V/s.
The State of Maharashtra ...Respondent.

Shri Umesh Mankapure h/for Prashant Patil, advs. for the Applicants.
Ms.M.H.Mhatre, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 22nd February, 2007.

P.C.:

1. Heard Shri Umesh Mankapure holding for Shri Prashant Patil, the learned counsel for the applicants and Mrs.Mhatre, the learned APP for the State. Perused the papers produced in the application.

2. The applicants who are owners of hotel or dhaba at Pandharpur Karkambh road, seeks anticipatory bail in Crime No.28 of 2007 registered at Pandharpur police station for the offence punishable under section 376(g) read with Section 34 of the I.P.C. The prosecution case in brief is that the prosecutrix, a girl aged about 14 years, accompanied her friend Nitin with intend to go to the garden. However, Nitin took her to a room in the hotel which he had already booked and after going to the

room, he committed rape on her and after that 3 other boys namely, Sagar, Santosh and Amit also raped her one after another. After the incident, she was taken to her house by the said Nitin on his motor-cycle. She lodged a report of the incident on the next day against 4 boys. The present applicants are not the persons, who committed the offence of rape. Applicant nos.2 to 4 are sons of the applicant no.1. All the applicants are jointly running a dhaba and according to them, the incident took place at the distance of 300 ft. from the dhaba while according to the prosecution the incident occurred in one of the rooms in the said hotel. Even if the incident occurred in one of the rooms of that hotel still the fact remains that as per the F.I.R. none of them committed the offence of rape.

3. For the aforesaid reasons, in the event of arrest in Crime No.28 of 2007, the applicants shall be released on P.R.Bond of Rs.5,000/- each with surety of like amount. They shall fully co-operate with the police in the investigation and shall make themselves available to the police as and when required for the purpose of interrogation.

4. The application stands disposed off.

(J.H.Bhatia,J.)